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AN ACT

RELATING TO LAW ENFORCEMENT; CLARIFYING THAT THE POWERS OF A COUNTY SHERIFF TO APPOINT DEPUTY SHERIFFS IS NOT LIMITED BY PROVISIONS OF SECTION 29-1-11 NMSA 1978 (BEING LAWS 1972, CHAPTER 8, SECTION 1, AS AMENDED).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-1-11 NMSA 1978 (being Laws 1972, Chapter 8, Section 1, as amended) is amended to read:

"29-1-11. AUTHORIZATION OF TRIBAL AND PUEBLO POLICE OFFICERS AND CERTAIN FEDERAL OFFICERS TO ACT AS NEW MEXICO PEACE OFFICERS--AUTHORITY AND PROCEDURE FOR COMMISSIONED PEACE OFFICERS.--

A. All persons who are duly commissioned officers of the police or sheriff's department of any New Mexico Indian nation, tribe or pueblo or who are law enforcement officers employed by the bureau of Indian affairs and are assigned in New Mexico are, when commissioned under Subsection B of this section, recognized and authorized to act as New Mexico peace officers. These officers have all the powers of New Mexico peace officers to enforce state laws in New Mexico, including the power to make arrests for violation of state laws.

B. The chief of the New Mexico state police is granted authority to issue commissions as New Mexico peace

1 officers to members of the police or sheriff's department of  
2 any New Mexico Indian nation, tribe or pueblo or a law  
3 enforcement officer employed by the bureau of Indian affairs  
4 to implement the provisions of this section. The procedures  
5 to be followed in the issuance and revocation of commissions  
6 and the respective rights and responsibilities of the  
7 departments shall be set forth in a written agreement to be  
8 executed between the chief of the New Mexico state police and  
9 the Indian nation, tribe or pueblo or the appropriate federal  
10 official.

11 C. The agreement referred to in Subsection B of  
12 this section shall contain the following conditions:

13 (1) the Indian nation, tribe or pueblo, but  
14 not the bureau of Indian affairs, shall submit proof of  
15 adequate public liability and property damage insurance for  
16 vehicles operated by the peace officers and police  
17 professional liability insurance from a company licensed to  
18 sell insurance in the state;

19 (2) each applicant for a commission shall  
20 successfully complete four hundred hours of basic police  
21 training that is approved by the director of the New Mexico  
22 law enforcement academy;

23 (3) the chief of the New Mexico state police  
24 shall have the authority to suspend any commission granted  
25 pursuant to Subsection B of this section for reasons solely

1 within the chief's discretion;

2 (4) if any provision of the agreement is  
3 violated by the Indian nation, tribe or pueblo or any of its  
4 agents, the chief of the New Mexico state police shall  
5 suspend the agreement on five days' notice, which suspension  
6 shall last until the chief is satisfied that the violation  
7 has been corrected and will not recur;

8 (5) the goldenrod-colored officer's second  
9 copy of any citation issued pursuant to a commission  
10 authorized by this section shall be submitted within five  
11 days to the chief of the New Mexico state police;

12 (6) any citation issued pursuant to a  
13 commission authorized by this section shall be to a  
14 magistrate court of New Mexico; except that any citations  
15 issued to Indians within the exterior boundaries of an Indian  
16 reservation shall be cited into tribal court;

17 (7) the agreement or any commission issued  
18 pursuant to it shall not confer any authority on a tribal  
19 court or other tribal authority that the court or authority  
20 would not otherwise have;

21 (8) the authority conferred by any agreement  
22 entered into pursuant to the provisions of this section shall  
23 be coextensive with the exterior boundaries of the  
24 reservation; except that an officer commissioned under this  
25 section may proceed in hot pursuit of an offender beyond the

1 exterior boundaries of the reservation, and the authority  
2 conferred in any written agreement between the chief of the  
3 New Mexico state police and the Navajo Nation may extend  
4 beyond the exterior boundaries of the Navajo reservation to  
5 and including the area enclosed by the following description:

6 Beginning at a point where the southern boundary line of  
7 the Navajo Nation reservation intersects the western  
8 right-of-way line of US 491, and running thence; southerly  
9 along the western right-of-way line of US 491 to the  
10 northerly city limits of Gallup; thence, easterly along the  
11 northerly city limits of Gallup to the northern side of the  
12 right of way of I-40; thence, in an easterly direction along  
13 the northerly side of the right of way of I-40 to the  
14 northerly limits of the village of Prewitt; thence, in a  
15 straight line between the northerly boundary of the village  
16 of Prewitt to the southerly boundary of Ambrosia Lake; thence  
17 in a straight line between the southerly boundary of Ambrosia  
18 Lake to the southerly boundary of Hospah; thence, east along  
19 a straight line from the southerly boundary of Hospah to the  
20 southern boundary of Torreon; thence along the easterly side  
21 of the right of way of state road 197 to the westerly city  
22 limits of Cuba; thence, north along the westerly side of the  
23 right of way of state road 44 to the southerly boundary of  
24 the Jicarilla Apache Nation reservation; thence, westerly  
25 along the southerly boundary of the Jicarilla Apache Nation

1 reservation to the southwest corner of that reservation;  
2 thence, northerly along the westerly boundary of the  
3 Jicarilla Apache Indian reservation to a point where the  
4 westerly boundary of the reservation intersects the southerly  
5 side of the right of way of state road 44; thence, northerly  
6 along the southerly side of the right of way of state road 44  
7 to its intersection with the northerly side of the right of  
8 way of Navajo road 3003; thence, along the northerly side of  
9 the right of way of Navajo road 3003 to a point where the  
10 northerly side of the right of way of Navajo road 3003  
11 intersects the westerly side of the right-of-way line of  
12 state road 371; thence, northerly along the west side of the  
13 right of way of state road 371 to the southerly side of the  
14 right of way of Navajo road 36; thence, westerly along the  
15 southerly side of the right of way of Navajo road 36 to the  
16 eastern border of the Navajo Nation reservation; thence,  
17 along the eastern and southerly borders of the Navajo Nation  
18 reservation to the point of beginning.

19 The municipalities of Cuba and Gallup and the villages  
20 of Thoreau and Prewitt are excluded from the grant of  
21 authority that may be conferred in any written agreement  
22 entered into pursuant to provisions of this section;  
23 provided, however, any written agreement may include under  
24 such grant of authority the communities of Ambrosia Lake,  
25 Hospah, Torreon, Lybrook, Nageezi, Counselors and Blanco

1 Trading Post and those communities commonly known as the  
2 Wingate community; the Navajo Nation Blue Water ranch area of  
3 the Thoreau community; the Prewitt community, exclusive of  
4 the village of Prewitt; the Haystack community; the Desidero  
5 community; the Sand Springs community; the Rincon Marquis  
6 community; the Charley Jesus Arviso and the Castillo  
7 community; and state road 264 beginning at the point where it  
8 intersects US 491 and ending where state road 264 intersects  
9 the Arizona-New Mexico state line; and

10 (9) the chief of the New Mexico state police  
11 or the chief's designee and the Indian nation, tribe or  
12 pueblo or the appropriate federal official shall be required  
13 to meet at least quarterly or more frequently at the call of  
14 the chief of the New Mexico state police to discuss the  
15 status of the agreement and invite other law enforcement or  
16 other officials to attend as necessary.

17 D. Nothing in this section impairs or affects the  
18 existing status and sovereignty of an Indian nation, tribe or  
19 pueblo as established under the laws of the United States.

20 E. All persons who are duly commissioned federal  
21 law enforcement officers employed by the federal bureau of  
22 investigation; drug enforcement administration; bureau of  
23 alcohol, tobacco and firearms; United States secret service;  
24 United States customs service; immigration and naturalization  
25 service; United States marshals service; postal inspection

1 service; United States probation department; and United  
2 States pretrial services agency; and other appropriate  
3 federal officers whose primary duty is law enforcement  
4 related, who are assigned in New Mexico and who are required  
5 to be designated by the county sheriff on a case-by-case  
6 basis in the county in which they are working, are recognized  
7 and authorized to act as New Mexico peace officers and have  
8 all the powers of New Mexico peace officers to enforce state  
9 laws in New Mexico, including the power to make arrests for  
10 violation of state laws. The department of public safety  
11 shall maintain a registry that lists the name and affiliated  
12 federal agency of every federal law enforcement officer  
13 recognized and authorized to act as a New Mexico peace  
14 officer pursuant to the provisions of this subsection. This  
15 subsection shall not be construed to impose liability upon or  
16 to require indemnification by the state for any act performed  
17 by a federal law enforcement officer pursuant to this  
18 subsection.

19 F. The provisions of Subsection E of this section  
20 regarding designation of federal law enforcement officers by  
21 a county sheriff do not apply to federal law enforcement  
22 officers who are duly commissioned officers of a police or  
23 sheriff's department for an Indian nation, tribe or pueblo in  
24 New Mexico or who are federal law enforcement officers  
25 employed by the bureau of Indian affairs.

